

REMARKS/ARGUMENTS

This Submission is being filed concurrently with a Request for Continued Examination. With this Amendment, Applicant amends claims 13, 14, 15, 16, 17, 18, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 and adds new claims 45-59 and cancels claims 23 and 40-44 without prejudice or disclaimer. Therefore, claims 13-18 and 20-22, 24-39 and 45-59 are currently pending in the present application. Based on the foregoing amendments and the following remarks, Applicant requests reconsideration of the application and allowance of the claims.

I. Statement of Substance of Interview

Applicant thanks the Examiner for participating in a telephone interview on May 1, 2008. During the interview, the outstanding rejections of independent claims 13, 14, 17, 18, 20 and 40-44 were discussed. While no formal agreement was reached, the Examiner agreed to reconsider whether the cited references were valid if the features of claims 40-44 were canceled and incorporated into the independent claims along with other amendments.

II. Rejection of Claims 13-18 & 20-44 Under 35 U.S.C. § 103(a)

Claims 13-18 and 20-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Roke Manor Research Limited (GB #2 349 548A; hereinafter "Roke Manor") in view of Red Fig Limited (GB #2 344 491A; hereinafter "Red Fig") and Halpern et al. (U.S. Patent No. 6,282,711; hereinafter "Halpern").

Claim 13, as herein amended requires "[a]n apparatus comprising, a processor configured to: generate *content* comprising *validation data* and *other data* which *comprises software*, the content being *stored at the apparatus*." The processing element is further configured to "*download the content* to a terminal, upon receipt of a signal transmitted by the terminal to connect to the apparatus, *the validation data* of the content downloaded from the apparatus being configured to permit the terminal to determine whether the content *was securely downloaded* and that the *content originated from the apparatus*." "The processor is configured to download the

Appl. No.: 10/099,977
Amdt. dated June 2, 2008
Reply to Office Action of January 7, 2008

content by downloading the validation data and the other data *concurrently from the apparatus* together in a single download file.”

In contrast to the Examiner’s general assertion, Applicant again submits that the combination of Roke Manor, Red Fig and Halpern fails to teach or suggest that the validation data and the other data which comprises software are downloaded concurrently from an apparatus, as required by claim 13. In rejecting previously presented claims 40-44, the Examiner relies on Red Fig as disclosing these features. Applicant disagrees and points out that the Examiner relied merely on Red Fig as allegedly disclosing the claimed browser application and relied on Roke Manor as allegedly disclosing the claimed validation data, the claimed other data and a server from which content is allegedly downloaded. As pointed out in the Response filed March 5, 2008, Roke Manor in combination with Red Fig and Halpern, at best, discloses that the software is downloaded and received by the device 16 in a first data stream that is sent from broadcaster 14. Then the device 16 initiates a point to point contact with the network operator 12 and the authentication code is subsequently transmitted in a second data stream to the base station 18, which sends the authentication code to the device 16 so that the previously received software can be enabled. (See pgs. 4, 6 & FIG. 1 of Roke Manor) The software and the authentication code of the combination are transmitted to the device 16 at different times and different instances. As such, Applicant again submits that the combination fails to teach or suggest that the software (alleged other data) and the authentication code (alleged validation data) are downloaded from a server concurrently, as required by amended claim 13.

For at least the foregoing reason, Applicant submits that the combination of Roke Manor, Red Fig and Halpern are deficient and does not teach or suggest all of the features of claim 13. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claim 13 and its dependent claims 15, 16, 25, 30, and 35.

Since claims 14, 17, 18 and 20 contain features that are analogous to, though not necessarily coextensive with, the features recited in claim 13, Applicant respectfully submits that claims 14 and 17 and their respective dependent claims 21, 22, 24, 26, 31, 36, and 27, 32, and 37 as well as independent claims 18 and 20 and their respective dependent claims 28, 33, and 38 as

Appl. No.: 10/099,977
Amdt. dated June 2, 2008
Reply to Office Action of January 7, 2008

well as claims 29, 34, and 39 are patentable at least for reasons analogous to those submitted for claim 13.

III. New Claims

Applicant has added new claims 45-59 in order to more fully cover various aspects of Applicant's invention as disclosed in the specification. In addition to their respective dependencies from claims 13, 14, 17, 18 and 20, Applicant respectfully submits that claims 45-59 should be allowable because the cited combination of references do not teach or suggest the recitations of these claims. Support for the new claims may be found at least in paragraphs [0007], [0034], [0035] and [0038] of the originally-filed specification.

IV. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Sax is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Cory C. Davis
Registration No. 59,932

Appl. No.: 10/099,977
Amdt. dated June 2, 2008
Reply to Office Action of January 7, 2008

Customer No. 00826

ALSTON & BIRD LLP

Bank of America Plaza
101 South Tryon Street,
Suite 4000
Charlotte, NC 28280-4000
Tel Atlanta Office (404) 881-7000
Fax Atlanta Office (404) 881-7777

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON June 2, 2008.